



Janice K. Brewer
GOVERNOR

MILITARY AFFAIRS COMMISSION BOARD MEMBERS MEETING MINUTES

Tuesday, September 24, 2013
1700 W. Washington, Phoenix, AZ 85007



Brig Gen Michael T. McGuire
THE ADJUTANT GENERAL

MEETING MINUTES SUMMARY

- I. **Call to order:** Co-Chair Lisa Atkins called the meeting to order at 10:01 a.m.
- II. **Roll Call:** The following Commissioners were present:
- Lisa Atkins, Co-Chair, Member with expertise in military affairs
 - Mayor Alan Krieger, Local elected official
 - Maricopa County Supervisor Clint Hickman, Local elected official
 - Michael Francis, Private property interests member
 - Priscilla Storm, Private property interests member
 - Pima County Supervisor Ramon Valadez, Local elected official
 - Monsignor Richard O'Keeffe, Member with expertise in military affairs
 - Ed Duppstadt, Private property interests member
 - Mayor Rick Mueller, Local elected official
 - Brig Gen (Ret.) Thomas Browning, Member with expertise in military affairs
 - Brig Gen Michael T. McGuire, The Adjutant General (Advisory)
 - Brig Gen Michael Rothstein, Luke Air Force Base (Advisory)
 - Vanessa Hickman, Arizona State Land Director (Advisory)
 - Michael Werner, Bureau of Land Management (Advisory)
 - Colonel Robert Kuckuk, Marine Corps Air Station – Yuma (Advisory)
- Commissioners Excused:
- Colonel (Ret.) Thomas Finnegan, Co-Chair
 - Lt Gen (Ret.) Robert Johnston, Member with expertise in military affairs
- Special Guests:
- State Senator Al Melvin
 - State Representative Darin Mitchell
 - Joe Cuffari, Policy advisor to Governor Janice K. Brewer

II. **Commission Business**

Co-Chair Lisa Atkins welcomes Commissioner Clint Hickman to his first official MAC meeting. Additionally, Co-Chair Atkins welcomes Brig Gen Michael Rothstein, Luke AFB Commander, and Colonel Robert C. Kuckuk, Marine Corps Air Station Yuma Commander, to the MAC meeting. Co-Chair recognizes and welcomes Brig Gen Michael T. McGuire as the new Arizona Adjutant General and Department of Emergency and Military Affairs Agency Director. Finally, Co-Chair Atkins recognizes distinguished guests, State Senator Al Melvin and State Representative Darin Mitchell.

MAC Meeting Minutes Approval: Minutes from May 1, 2013

MOTION: Mayor Alan Krieger

Second: Commissioner Priscilla Storm

Discussion: None

Motion approved 10-0



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a. Lease Options for MIF Properties

John Burk, Department of Emergency and Military Affairs, provided an update on research regarding future lease options for MIF properties. Currently, DEMA is working with stakeholders and Military Affairs Commissioners to better understand the impact and ability of DEMA to manage the process. Additionally, the legal ramifications on leasing DEMA properties and what happens to generated revenue will be considered.

MOTION: Commissioner Priscilla Storm made a motion to create a legislative subcommittee to explore lease options as well as work on pending legislative actions and future Military Installation Fund appropriations.

SECOND: Co-Chair Lisa Atkins

Discussion: The Sub-Committee will be made up of Commissioners Lisa Atkins, Michael Francis, and Priscilla Storm.

Motion Approved 10-0

Senator Melvin addressed the importance of the military feeling welcome in a community; based on his experience with the U.S. Navy in San Francisco, the military will stay where it feels appreciated.

b. MAC Vacancies and Appointments

There are currently three vacancies on the Military Affairs Commission. The Speaker of the House and the Senate President each has the opportunity to make a private property interest appointment. The Governor can appoint the Pinal County Supervisor vacancy.

Yuma Mayor Alan Krieger stated that his term as Mayor would be over at the end of the year and his departure from elected office would leave an additional elected official vacancy from Yuma.

c. MAC Sunset Review

The Military Affairs Commission sunset review is in process. The MAC Co-Chairs have responded to the request for information from Representative Darin Mitchell's office and are waiting to finalize the hearing date with the House Public Safety, Military, and Regulatory Affairs committee.

d. Arizona Commanders' Summit Update

Kevin O'Berry, Range Management at Luke Air Force Base, provided an update from the quarterly Arizona Commanders' Summit meeting. Mr. O'Berry briefed the Commissioners on 'Soft Spots' and looming encroachment threats to Arizona military installations.

COL Kuckuk reiterated how important the F35 mission is to Arizona. MCAS Yuma is filling their first squadron and finishing the environmental assessment/noise study. The Yuma community has been great to work with and COL Kuckuk emphasized how much he appreciated Yuma residents' patience.

Brig Gen Rothstein thanked all of the commanders and attendees. He indicated that Arizona could lose the military if they are not seen as welcome in the state. Many stakeholders and political leaders have made tough decisions but ultimately have struck a balance to support residents and military bases and their missions.



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Brig Gen McGuire thanked the MAC for efforts to support the military. He committed to working directly with the Governor and Legislature to promote the importance of the military in Arizona and keep the state military friendly.

e. 2014 Legislative Action (Discuss Future MIF Funding Item)

Co-Chair Lisa Atkins raised the critical issue of renewing the Federal agreement for the continued operation of Barry M. Goldwater Range. The MAC and Commissioners will track the issue and advocate for the Range.

John Burk raised the restoration of the Military Installation Fund budgetary line item as a critical issue moving forward. The original appropriation for MIF funding was supposed to be \$5 million annually, but the economic downturn cut the funding. As a result, the MAC needs to focus on restoring the funding line item.

Co-Chair Lisa Atkins wanted to thank the Legislature and Governor for not sweeping all of the remaining MIF funds. They had a daunting task and remembered the compatibility mission to balance the operational status of the Arizona installations with community quality of life.

Senator Melvin spoke to the legislative process, the difficult decisions that were made in cutting the budget, and the balance that was struck that kept essential programs operational despite spending cuts.

Representative Mitchell raised the issue of real estate disclaimers relative to operating military installations and the impact on property owners. Co-Chair Atkins offered to gather information and provide a briefing to Representative Mitchell at a later date.

Commissioner Storm spoke to her experience in dealing with real estate disclosures in Pima County and that the issue is: available information versus mandated disclosures. Essentially, it is difficult to require more stringent disclosures because it will disadvantage current property owners in favor of current buyers.

Commissioner Hickman raised the issue of implementing Prop 119 – the land swap legislation that passed in 2012. Arizona State Land Department is seeking a federal grant to hire a full-time employee to establish the framework for administering the swap and establish processes. She requested that the MAC take a formal position in supporting the grant.

Co-Chair Atkins advised that the MAC will seek additional funding mechanisms for the Arizona State Land Department employee and will continue discussions on support for the federal grant application.

Senator Melvin stated that he will support the \$5 Million MIF reauthorization during the next legislative session. If the item does not appear in the Executive Budget, he offered to sponsor the bill as Chair of the Senate Commerce, Energy and Military Committee.

III. Military Installation Fund Application Review

a. Private Property Applications:

John Burk reviewed the Military Installation Fund and the decision-making process before the MAC. Mr. Burk indicated that there were two important votes before the Commission: first, the



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vote to retain \$100,000 in the accounts in order to process land appraisals, conduct title searches and complete the environmental assessments.

MOTION to retain \$100,000 for property due diligence (including title search, appraisal, and environmental assessment): Commissioner Priscilla Storm

SECOND: Mayor Rick Mueller

Discussion: None

Motion approved 10-0

Ryan O'Daniel introduced the application process and each individual application. He discussed the criterion used to score each application and reviewed the physical location of each parcel relative to the noise contour lines, the military installation, and locations within the clear/crash zones, if any existed. Each application was reviewed individually starting with Luke Auxiliary 1 in northwest Maricopa County and concluding in Santa Cruz/Cochise County at Fort Huachuca.

Several applicants spoke on behalf of their property and application to discuss the importance of their land the impact from the installation:

- **Chris Monson**, Rocking K Ranch – the property is located southeast of Davis Monthan in Tucson. The application is attractive because it can be grouped with other existing Pima County and DEMA parcels to make a contiguous piece of property at the end of the runway and preserve open space.
- **Carolyn Williams**, Gammage and Burnham, representing Stan Ashby – the property is located immediately off the southern end of the runway at Luke Air Force Base in Glendale. The Ashbys are offering a development restriction on the property that is consistent with what was provided to them years ago by the U.S. Army Corps of Engineers for the property they own in the Clear Zone.
- **Candee Stout**, Gila Bend Auxiliary – Ms. Stout currently lives on the property outside of the Gila Bend Auxiliary field. The installation was not an issue until they altered the departure pattern to a left hand maneuver which flies directly over her home. The land has been in her family since 1935 when her great-grandfather received it as part of a federal land swap.
- **Carole Galvez**, Gila Bend Auxiliary – Ms. Galvez has several parcels to the northeast of Gila Bend Auxiliary. Some have structures and are occupied. The location of properties ranges from being within the 65 LDN to being in the Accident Potential Zone 1 for right-hand departures of the runway. There was some confusion regarding the ask price of a specific parcel which required follow up.
- **Liz Petterson**, Arizona Land and Water Trust, representing Michael and Grace Qystrach and BBA Foresight, Fort Huachuca – Ms. Petterson indicated that the Arizona Land and Water Trust has received MIF funds for previous clients around Fort Huachuca. While the properties were somewhat removed from the installation, their location within the R2303 restricted airspace, impact on the watershed, and detriment on the Buffalo Electronic Range made these parcels critical. Additionally, the applicant has applied for supplemental funding. The applicant was offering to sell only the development rights in order to keep the property operational as a live ranch.



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- **Mike Schwab**, Arizona Land Advisors, representing the Wittmans, Luke Auxiliary 1 – Mike Schwab discussed the length of ownership of the property (1929) and the inability to use the land as a result of the air field. The Wittmans are willing to consider selling portions of the property, including the 27 (+/-) southern acres in the clear zone, the southern 80 acres that fall within the 65 LDN, or the entire portion of the property within the 65 LDN, totaling 125 acres.
- **Denise Mikalson**, Luke Auxiliary 1 – Ms. Mikalson was a recipient of MIF funding in 2008 (applied in 2007). The program purchased 40 acres of her property that fell partially within the clear zone at Luke Aux 1, but did not give her legal access to her property when it was purchased. Additionally, Ms. Mikalson would like the Commission to consider averaging her current score with the score received in 2007 since she was advised previously that she should split her parcels rather than submitting them as one application in 2007.
- **Maria Evans**, Gila Bend Auxiliary – Ms. Evans has applied for MIF funding three times previously. Each time, as they were next in line or close to being funded, all monies in the account were expended. The property lies off the northern end of the Gila Bend Auxiliary runway and is currently not occupied or improved.

Commissioner Michael Francis indicated that the Ashby application was the exact purpose of the MIF. As a land owner, they were negatively impacted by the installation and should be funded.

Commissioner Ramon Valadez asked for the flight volume at Gila Bend Auxiliary and the importance of that airstrip.

Commissioner Browning indicated that, although he is retired, that airstrip was critical when he was in the service.

Mr. Kevin O'Berry indicated that it is a live air field and many aircraft and lives have been saved by emergency landings occurring at Gila Bend Auxiliary.

Brig Gen McGuire indicated that Gila Bend Auxiliary plays a critical role for Arizona's military and that airfield is one of the main reasons that Arizona bases score so high when they are considered for new aircraft or BRAC closures.

Co-Chair Lisa Atkins indicated that properties are located near different installations and all face different threats. The decision is to balance the needs throughout the State. All of the provided information is aggregated and balanced by lots of groups and shifting priorities. We are in the process of updating the report that shows why Arizona is the best military state in the nation. Defense is one of the largest employment categories in the state and MIF funding is the opportunity to move forward and continue the work the Arizona Legislature has done to protect our installations. Given all of the information, and the time constraints for some of the Commissioners, she indicated the need for an additional meeting and information about the applicants' properties.

Commissioners indicated several areas need to be expanded upon, including:

- Underlying Parcel Zoning



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- Comprehensive/General Plan Zoning Designation
- Legal Access
- Land Comps
- Contiguous Properties (those being offered, those already owned by DEMA, and ownership status surrounding applicant parcels)
- Breakout of Properties in Clear/Crash Zones
- Overflight Map/Pattern and Sortie Volume
- Occupied Residences
- Land Improvements

Staff will set a date for a future, follow-up MAC meeting and provide the requested information. Supplemental questionnaires will be submitted to applicants and distributed to Commissioners.

- b. Cities, Towns and County Applications:
- i. Nanette Slusser: Pima County
Pima County is requesting funds to purchase a land buffer (\$300,000) and complete construction on a southern entrance to Davis Monthan (\$500,000). The total request for MIF funding is \$800,000.
 - ii. Laurie Line Berry: City of Yuma
City of Yuma is requesting \$400,000 for a feasibility study to see how they would move the fairgrounds out of the crash zones at MCAS Yuma to a new location.
 - iii. Maricela Solis: City of Tucson
City of Tucson is requesting \$300,000 to complete a sound study regarding the arrival and departure paddle at Davis Monthan.

Commissioner Browning indicated that the City of Yuma application has lots of moving parts and he would like to see the City contribute to the amount of money needed to fund the study.

Mayor Alan Krieger indicated that Yuma is not just a military facility, but one of the only joint use airfields for the Department of Defense and general aviation. MCAS is one of the busiest facilities and the fairgrounds are operational year-round. The proposed study needs to determine how to move the facility, not whether or not it should be done.

Commissioner Storm indicated that all three could be funded at 73% of the request. Or, the MAC could fund the studies that asked how, not if, something could be done, or fund Pima County alone and table the rest.

MOTION to approve Pima County application: Commissioner Storm

SECOND: Michael Francis

Discission: Commissioner Storm would approve Pima and table Tucson and Yuma with a focus on action items/deliverables.

Approved 9-1, Commissioner O'Keeffe dissents

Co-Chair Atkins: More information on the private property applications is needed and she will review the to-do list with the staff. Staff will come back with the information and enable the MAC to make the best possible decision.



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Co-Chair Atkins concluded the meeting by sending good wishes and prayers to Co-Chair Tom Finnegan who was unable to attend due to health concerns.

II. **Call to the Public**

- a. No comments were made by the public

II. **Adjournment:** 2:32 p.m., Tuesday, September 24th, 2013